IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION NO : 4781 of 2005

Between:

Narra Bala Venkata Rama Krishna, S/o.Sri Subbaramaiah,
R/o.Pedanandipadu, Guntur District.

..... PETITIONER

AND

The Regional passport officer, Ministry of External Affairs, Government of India, Near Clock Tower, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in the nature of Mandamus directing the respondent to process the application dated 22-09-2004 filed by the petitioner for grant of a passport registered as file No.HYDE 02469904 accompanied by proof of date of birth / place of birth and process the same and issue a passport accordingly and pass such other appropriate order or orders as this Hon'ble court may deem it fit and proper in the interests of justice.

Counsel for the Petitioner: MR.B.ADINARAYANA RAO

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY (ASSISTANT SG)

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the Central Government.

It is the case of the petitioner that his actual date of birth is 30.08.1964, but in the passport issued to him by the respondent, his date of birth was wrongly mentioned as 21.09.1966, and that though he represented to the respondent, to alter his date of birth in the passport and issue the fresh one, the respondent is refusing to entertain the application, on the ground that they have no power to make correction of date of birth in the passport. The petitioner, therefore, filed the present writ petition to direct the respondent to entertain his application for correction of date of birth and issue the fresh passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct the entries in the passport. However, pursuant to the Judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18.04.2001, which are to the following effect:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA(Passport Issuing Authority) may after

verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases;

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same;

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions.

Hence, the writ petition is disposed of directing the respondent to receive the application of the petitioner for correction of date of birth in the passport/issuance of fresh passport, and process the same after verifying the genuineness or otherwise thereof, basing on the documents that the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders. There shall be no order as to costs.

11-03-2005

ksld

To

1. The Regional passport officer, Ministry of External Affairs, Government of India, Near Clock Tower, Secunderabad.

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